G. R. S. IX-5]

Previous references.

Preserve

1918.19

(Courts)

File No. 47-18

Serial Nos. 1-2

Later references.

Ch 180-18(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for November 18

SUBJECT.

Memorial of Hyder Khan praying for remission of sentence of death confirmed in Crl appeal No. 84 of 17-18 on the file of the Chief Court.

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2) To, The Registrar, Chief Court-

No. G 8200 Dt 8-11-18

Forwards a copy of orders passed by the H.H on Hyder Khan's memorial rejecting it.

W D 88—GPB—50,000—24-7-16

Mr. Ranjappa Rao

14/12/18

(For Disposal by Circulation)

No. C. 922

.....28.....8.....191.8.

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause vi of the Schedule)

Memorial of Hyder Khan praying for remission of the sentence of death passed on him in Kolar Sessions Case No.12 of 1917-18.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram
Chief *Secretary to Government.*

...26th....August.....191 8.

Extraordinary Member of Council.

First Member of Council. Opinion recorded.

387
31-8-18.

Second Member of Council. The remark may be rejected

339-209
28.8.18

Extra Member of Council. Opinion recorded

31.8.18

WD 2670—GPB—1,000—11-5-17

1340
Rec 3/9

G. R. S. III—1] 1918-19.

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 47-18

FILE HEADING.

Memorial of Hyder Khan praying for remission of Sentence of death confirmed in crl. appeal no 84 of 1917-18 on the file of the Chief Court

From The Registrar, Chief Court of Mysore

No. 100 Cr Dated 7th Aug 1918 Received 10th Aug. 1918

Diary No. 100 2535-Cr	Enclos. 5 files Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the memorial addressed to H. H. the Maharaja by Hyder Khan praying for remission of Sentence.

NOTES AND ORDERS.

Subd. for orders

Accused pleaded guilty in the Sessions & on his own plea the Sessions Judge convicted him of the Offence of murder & sentenced him to death. This has been

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-15

G. R. S. III-2j

General and Revenue Secretariat. | C5. File No. 47 of 1918.

Serial No.

Confirmed by the Chief Court.

86
10/18
cl
1/18

a) The petitioner was tried for the murder of two Punjabis on the K.G.F., found guilty on his own plea, convicted and sentenced to death. The Chief Court on appeal have affirmed the conviction and sentence.

2) The petitioner has prays for clemency on the ground that as Mahamed Khan owes the deceased Bora a grudge against him and took out the knife to hit him, the deceased was accidentally hit, and that Khuda Bhaksh who came to the rescue was also similarly hurt & killed.

4) The evidence clearly shows that both Mahamed Khan and Khuda Buksh were stabbed to death by the accused. In the Session Court the accused pleaded guilty and was convicted on that plea. There is no evidence of any provocation and such a plea was not put forward in appeal and was not believed. Even if the plea be believed as regards Mahamed Khan, there is no justification for the murder of Khuda Bhaksh who came to the spot on hearing the cries of Mahamed Khan. He does not appear to have any good grounds for clemency.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 47 of 1918.-19.

Serial No.

5) Submitted for orders
Eg 1/8
Chief Secretary)

6) There does not seem to be any adequate ground for clemency in this case. It is just possible that there was trouble between the petitioner and one of the deceased, but there is nothing to show that any grave or sudden provocation was offered by the latter to lead to the murder & still less is there anything to extenuate the murder of the second man Khudabaksh.

1st member) CBS 13/8/18

Scheduled case for disposal by circulation. 14/1 13/8

7) It is a clear case of cold blooded double murder. There are no extenuating circumstances to recommend the case for exercise of clemency. The man has been convicted on his own confession.

8) The memorial deserves to be rejected

13/8/18 Lees

9) May be disposed of by circulation.

CBS 13/8/18

Dewan

920 14.8.18

10) Agreed 24.8.18 Rec 11)

12) Cir Circulate Mr Gr

NOTE—Contra. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

31.8.18

G. R. S. III-2j

General and Revenue Secretariat.

CS File No. 47 of 1918.

Serial No.

Pnbd. with a D. 7. r. and a D. S. r.

86
3/9
4/9

14) In favour of approval
EB 4/9

2.20 pm
4/9

First Member

15) Good
work.
4/9

1078
6/9

16) Fair final note signed by the Minister
in Imtiaz.
M
5/9/18

4 pm
9/6/9

D. S. r. 17) Submitted.
Dewany

1406
6.9.18

CS
6/9/18
EB

NOTE—Contn. sheet.

Final Note by the First Member of Council.

Subject:—

Memorial of Hyder Khan praying for remission of the sentence of death passed on him in Kolar Sessions case No. 12 of 1917-18.

The memorialist was tried for the murder of two Punjabis on the Kolar Gold Fields, found guilty on his own plea and sentenced to death. The Chief Court on appeal have affirmed the conviction and sentence.

2. The memorialist prays for clemency on the ground that as Mahommed Khan, one of the deceased bore a grudge against him and took out the knife to hit him, the deceased was accidently hurt and that Khadar Bhaksh who came to the rescue was also similarly hurt and killed.

3. There is no evidence of provocation and such a plea put forward in appeal was not believed.

4. There are no extenuating circumstances to justify the exercise of any clemency in the case.

Page 3 & 4 of Office Note

5. The Council accordingly recommend that the memorial may be rejected.

5th Sept. 1918

First Member of Council.

In the Matter of a Memorial of Hyder Khan accused in Kolar Sessions case No. 12 of 1917-18 on the file of the Sessions Judge of Bangalore Division and appellant in criminal Appeal No. 84 of 1917-18 on the file of the Chief Court, praying for remission of the sentence of death passed on him.

His Highness the Maharaja

directs

that the memorial be rejected

Dewan.

13-10-18

Draft)

G. R. S. IV—6]

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the memorial of Hyder Khan praying for remission of the sentence of death passed on him in Kolar Sessions case No.12 of 1917-18 *for His Highness' gracious approval.*

M. Visvesvaraya
Dewan.
7th Sep. 1918.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Memorial of Hyder Khan praying for remission of the sentence of death passed on him in Kolar Sessions Case No. 12 of 1917-18.

Order.

no. 339
2. 10. 18

~~KRW~~
30/9/18

Chief Secretary
1.10.18
do
Draft
5/10

G. R. S. III-2]

General and Revenue Secretariat.

C5 File No. 47 of 1918.

Serial No.	
	Draft and fair Copy of H. H's order sorted. Draft to Registrar is also put up. 8/10/18. 9/10/18 Draft forms of Decrees Department 19/10 Chief Sec'y Dewan Mr Knuckey to be signed 11/10/18 Signed by the Dewan 13.10.18 14/10. Doing 19.10
2	To, The Registrar, Chief Court No. G/8200 of 8-11-18 Forwards a copy of order passed by H. H. the Maharaja on Hyder Khan's memorial rejecting it. B 15/11

NOTE—Contn. sheet.

No. 100 Cr (5 files of records)

DIARY No. 9263 (11)

12407
GEN. & REV. SECRETARIAT
18 AUG 1918

Dated Bangalore, the 8th August 1918.

GEN. & REV. SECRETARIAT
From
JUDICIAL
10 AUG 1918

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.

To

Chief
THE SECRETARY TO GOVERNMENT,

~~GENERAL AND REVENUE DEPARTMENTS~~ of Mysore, Bangalore.

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by Hyder Khan .....accused in Kolar .....Sessions Case No. .....12... of 1917-18.....on the file of the Sessions Judge of Bangalore Division and appellant in Criminal Appeal No. 84 of 19 17-18 .....on the file of this Court. Criminal Referred Case No. 10 of 17-18

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

GPB—1,000—16-8-12

Tr: 94

No. 84
1917-18

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Monday, the 22nd day of July 1918.

P R E S E N T.

SIR LESLIE C. MILLER., Kt., CHIEF JUDGE,

and

MR. JUSTICE T. PARAMASIVA IYER.

Petition of Criminal Appeal No.84 of 1917-18/Criminal Referred Case No.10 of 1917-18 against the conviction and sentence passed by the Sessions Judge of the Bangalore Division under Section 302 of the Indian Penal Code in Kolar Sessions Case No.12 of 1917-18.	APPELLANT. HYDER KHAN (accused). By Mr.Mahomed Mustafa.

J U D G M E N T.

The accused has been convicted of murdering two men Mahommad Khan and Khuda Baksh. The Sessions Judge convicted him on his own plea, and has sentenced him to death.

In his appeal he does not deny that he caused the death of both men. and his statement to the Sessions Judge leaves no doubt that he did so. He suggests some provocation or fear of attack from Mahommad Khan,

but

but in his statement to the Sessions Judge says nothing to justify the murder of Khuda Baksh who was killed by a stab which penetrated his heart.

In his appeal petition the accused suggests that Khuda Baksh struck him, but he did not say that before, and if it were true it would not afford justification or excuse in the circumstances. There is nothing in the accused's statement to the Sessions Judge which suggests that he was in any real fear of any assault upon himself, or that Mahommad Khan gave him any sudden provocation. If he shewed the knife at all as the accused says it was more probably to prevent an attack on himself than by way of a threat to attack the accused.

Whatever be the truth as to Mahommad Khan's death there was clearly no justification for the murder of Khuda Baksh, who came in only to help Mahommad Khan and who is not alleged to have borne any ill will to the accused.

We confirm the conviction and the sentence of death and dismiss the appeal.

(Sd.) Leslie C. Miller,

CHIEF JUDGE.

(Sd.) Y. Paramasiva Iyer.

J U D G E.

'Copy'

U. Vapalwala

Registrar

MSC.

G. R S. VI—S-III/33]

DRAFT.

SUBJECT .....

.....

.....

Section. C6
File No. 47-18
Serial No. 2

No. C 8200

To one + 5 Pls

The Registrar of the Chief Court of Mysore.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191* .

Date of issue 8/11/18

Signed by M. G. S. Iyer

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Hyder Khan

.....

undergoing sentence of death

.....

in the Bangalore Central Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial rejecting it

2. The entire records received with your letter No. 100 dated the 7th Aug 1918 are herewith returned.

I have, etc.,

8/11/18

for Chief Secretary.

1/11/18

8/11